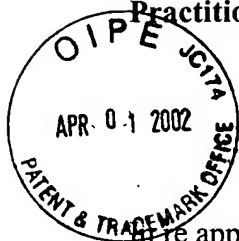


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Practitioner's Docket No. 7163-34

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Schaldach, Prof. Dr. Max; Schmitz, Prof. Dr. Klaus-Peter; Gobrecht, Dr.

- Jens; Rzany, Alexander; and Behrend, Prof. Dr. Detlef

Application No.: 10/021.899

Group No.: Unknown

Filed: December 13, 2001

Examiner: Unknown

For: METHOD OF APPLYING A MARKER ELEMENT TO AN IMPLANT AND AN IMPLANT PROVIDED WITH A MARKER ELEMENT

Box Missing Part

Assistant Commissioner for Patents

Washington, D.C. 20231

COMPLETION OF FILING REQUIREMENTS  
-- NONPROVISIONAL APPLICATION

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional)

I hereby certify that, on the date shown below, this correspondence is being:

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231  
37 CFR 1.8
- ☐ with sufficient postage as first class mail.
- ☐ as "Express Mail Post Office to Addressee" Mailing Label  
37 CFR 1.10  
No. \_\_\_\_\_
- ☐ facsimile transmitted to the Patent and Trademark Office, 703 \_\_\_\_\_  
TRANSMISSION

Date:

12 MARCH 2002

Signature

*Stephen L. Grant*

Stephen L. Grant

name of person certifying

Type or print

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed February 21, 2002.

A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

### **DECLARATION OR OATH**

II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

### **TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS**

III. Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

### **COMPLETION FEES**

#### **IV.**

##### **1. Filing Fee**

Original patent application (37 C.F.R. Section 1.16(a))	\$740.00
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##### **2. Fee for Claims**

Each claim in excess of 20 (37 C.F.R. Section 1.16(c))	\$288.00
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##### **3. Surcharge Fees**

Late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. Section 1.16(e))	\$130.00
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##### **4. Assignment (See "ASSIGNMENT COVER SHEET")**

	\$40.00
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##### **5. Surcharge Fees**

English translation of application set forth in (37 CFR 1.52(d)).	\$130.00
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10021859 "040402  
2002082200

Total Completion Fees      \$1,328.00

### EXTENSION OF TIME

V. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

### TOTAL FEE DUE

VI. The total fee due is:

Completion fees	\$1,328.00
Extension fee (if any)	\$0.00
 Total Fee Due	 \$1,328.00

### PAYMENT OF FEES

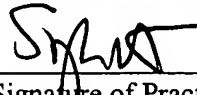
VII. Enclosed is a check in the amount of 1,328.00.

Please charge Account No. 15-0450 for any fees that may be due by this paper.

### VIII. ADDITIONAL DOCUMENTS ENCLOSED

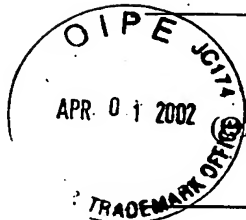
Verification of Translation  
Certified Copy of German Application 100 64 596.8  
Information Disclosure Statement under 37 CFR 1.97 and references

Date: 14 MARCH 2002

  
\_\_\_\_\_  
Signature of Practitioner

Reg. No.: 33,390  
Tel. No.: 330-864-5550  
Customer No.: 021324

Stephen L. Grant  
Hahn Loeser + Parks LLP  
Twin Oaks Estate  
1225 West Market Street  
Akron, OH 44313-7188



**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

METHOD OF APPLYING A MARKER ELEMENT TO AN IMPLANT AND AN IMPLANT PROVIDED WITH A MARKER ELEMENT

**SPECIFICATION IDENTIFICATION**

The specification was filed on December 13, 2001, as Serial No. 10/021,899.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

**PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))**

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Such applications have been filed as follows.

**PRIOR FOREIGN APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

COUNTRY	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 U.S.C. SECTION 119
Germany	100 64 596.8	18 December 2000	yes

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Stephen L. Grant	33390
Eryn R. Ace	44491
Alexander D. Bommarito	44036
Robert J. Clark	45835
R. Eric Gaum	39199
Michael H. Minns	31985
Edwin W. Oldham	22003
Scott M. Oldham	32712
Mark A. Watkins	33813

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

Stephen L. Grant  
1225 W. Market St.  
Akron, OH 44313  
USA

Stephen L. Grant  
330-864-5550

Customer Number 021324

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

Prof. Dr. Max Schaldach – deceased – completion on an added page

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship Germany

Residence Erlangen Germany

Post Office Address Turnstrasse 5, D-91054 Erlangen Germany

■■■■■■

Prof. Dr. Klaus-Peter Schmitz

Inventor's signature \_\_\_\_\_

Date 21<sup>st</sup> January 02

Country of Citizenship Germany

Residence Rostock Germany

Post Office Address Ernst-Heydemann-Strasse 6, D-18055 Rostock Germany

■■■■■■

Dr. Jens Gobrecht

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship Switzerland

Residence Gebenstorf Switzerland

Post Office Address Bruehlstrasse 37, CH-5412 Gebenstorf Switzerland

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Stephen L. Grant  
1225 W. Market St.  
Akron, OH 44313  
USA

Stephen L. Grant  
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Customer Number 021324

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### SIGNATURE(S)

Prof. Dr. Max Schaldach – deceased – completion on an added page

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship Germany

Residence Erlangen Germany

Post Office Address Turnstrasse 5, D-91054 Erlangen Germany

■■■■■■■

Prof. Dr. Klaus-Peter Schmitz

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship Germany

Residence Rostock Germany

Post Office Address Ernst-Heydemann-Strasse 6, D-18055 Rostock Germany

■■■■■■■

Dr. Jens Gobrecht

Inventor's signature \_\_\_\_\_

Date Jan 21st, 2002

Country of Citizenship Switzerland

Residence Gebenstorf Switzerland

Post Office Address Bruehlstrasse 37, CH-5412 Gebenstorf Switzerland

■■■■■■■

Alexander Rzany

Inventor's signature

Date 18th January 2002

Alexander Rzany  
Country of Citizenship Germany

Residence Nuernberg Germany

Post Office Address Dombuehler Strasse 30, D-90449 Nuernberg Germany

■■■■■■■

Prof. Dr. Detlef Behrend

Inventor's signature

Date \_\_\_\_\_

Country of Citizenship Germany

Residence Rostock Germany

Post Office Address Muehlenstrasse 44b, D-18119 Rostock Germany

10021899 040102



■■■■■■■

Alexander Rzany

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship Germany

Residence Nuernberg Germany

Post Office Address Dombuehler Strasse 30, D-90449 Nuernberg Germany

■■■■■■■

Prof. Dr. Detlef Behrend

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

19 January 2002



Country of Citizenship Germany

Residence Rostock Germany

Post Office Address Muehlenstrasse 44b, D-18119 Rostock Germany

10021899-040102

**SIGNATURE BY LEGAL REPRESENTATIVE ON BEHALF OF DECEASED INVENTOR**  
(37 CFR sections 1.42 and 1.43)

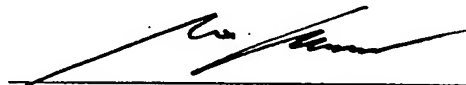
I, Dr. Max Schaldach, Jr., hereby declare that I am a citizen of Germany, residing at Wangenheimstrasse 45, D-14193 Berlin, Germany, and that I am executing and signing the declaration to which this is attached as legal representative (or heirs) of:

*Country of Citizenship:*

Prof. Dr. Max Schaldach  
Germany

That, upon information and belief, I aver those facts that the inventor is required to state.

Date: 02-01-18

  
\_\_\_\_\_  
Signature of legal representative (or all heirs)

100-189-040102